

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED BIOLOGIES, LLC,)
ACADEMY OF ALLERGY & ASTHMA)
IN PRIMARY CARE,)

Plaintiffs,)

vs.)

ALLERGY AND ASTHMA NETWORK/)
MOTHERS OF ASTHMATICS, INC.,)
AND TONYA WINDERS,)

Defendants.)

Docket No. SA-14-CV-35-RCL

San Antonio, Texas
March 26, 2018

TRANSCRIPT OF VERDICT
BEFORE THE HONORABLE ROYCE C. LAMBERTH
SENIOR UNITED STATES DISTRICT JUDGE
AND A JURY

A P P E A R A N C E S:

FOR THE PLAINTIFFS:

PILLSBURY WINTHROP SHAW PITTMAN

By: Casey Low, Esquire

By: Elizabeth Marcum, Esquire

By: Dillon Ferguson, Esquire

By: Benjamin Bernell, Esquire

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4 Proceedings reported by stenotype, transcript produced by
5 computer-aided transcription.

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1 (Open court)

2 THE COURT: All right. The jury advises they have a
3 verdict.

4 The marshal will bring the jury.

5 (The jury entered the courtroom at 9:28 a.m.)

6 THE COURT: Good morning, ladies and gentlemen. You
7 may be seated.

8 I understand you have a verdict. Would the
9 foreperson hand the verdict form to the marshal?

10 There is a note that says, "We have a unanimous
11 verdict."

12 All right. The clerk will please publish the
13 verdict.

14 THE DEPUTY CLERK: In the matter of Academy of
15 Allergy and Asthma in Primary Care and United Biologics LLC
16 versus Allergy and Asthma Network/Mothers of Asthmatics
17 Incorporated and Tonya Winders, Case Number 5:14-CV-35.

18 As to question number one: "Did defendants
19 participate in a conspiracy with one or more of Phadia, AAAAI,
20 ACAAI, or JCAAI to restrain trade in the relevant market that
21 caused injury to plaintiffs?"

22 Answer as to AANMA: "No."

23 As to Tonya Winders: "No."

24 So we're going to move on to question number three:
25 "Did AANMA or Tonya Winders intentionally interfere with one

1 or more existing or prospective business relations between
2 AAAPC and its position members or industry sponsors that
3 damaged AAAPC?"

4 Answer as to AANMA: "No."

5 As to Tonya Winders: "No."

6 So we move on to question number five: "Did AANMA or
7 Tonya Winders intentionally interfere with one or more
8 contracts or prospective contracts or business relations
9 between UAS and physicians or practice groups that damaged
10 UAS?"

11 Answer as to AANMA: "No."

12 As to Tonya Winders: "No."

13 Moving on to question number seven: "Do you find by
14 clear and convincing evidence" -- wait just a second. Yeah,
15 move on to question seven -- "that the harm to AAAPC resulted
16 from malice of AANMA or Tonya Winders?"

17 Answer as to AANMA: "No."

18 As to Tonya Winders: "No."

19 And on to question number nine: "Do you find by a
20 preponderance of the evidence that defendants' agreement with
21 one or more of Phadia, AAAAI, ACAAI, or JCAAI was only an
22 attempt to persuade local state and federal law makers to take
23 official government action?"

24 Answer as to AANMA: "Yes."

25 And as to Tonya Winders: "Yes."

1 Signed March 26, 2018 by a foreperson.

2 Jury, is this your verdict as I've read in open
3 court?

4 THE JURY: Yes.

5 THE COURT: Request for poll?

6 MR. LOW: Yes, your Honor.

7 THE COURT: All right. The clerk will please poll
8 the jury.

9 THE DEPUTY CLERK: Juror number one, is this your
10 verdict?

11 JUROR NUMBER ONE: Yes.

12 THE DEPUTY CLERK: Juror number two, is this your
13 verdict?

14 JUROR NUMBER TWO: Yes.

15 THE DEPUTY CLERK: Juror number three, is this your
16 verdict?

17 JUROR NUMBER THREE: Yes.

18 THE DEPUTY CLERK: Juror number four, is this your
19 verdict?

20 JUROR NUMBER FOUR: Yes.

21 THE DEPUTY CLERK: Juror number five, is this your
22 verdict?

23 JUROR NUMBER FIVE: Yes.

24 THE DEPUTY CLERK: Juror number six, is this your
25 verdict?

1 JUROR NUMBER SIX: Yes.

2 THE DEPUTY CLERK: Juror number seven, is this your
3 verdict?

4 JUROR NUMBER SEVEN: Yes.

5 THE DEPUTY CLERK: Juror number eight, is this your
6 verdict?

7 JUROR NUMBER EIGHT: Yes.

8 THE DEPUTY CLERK: Thank you.

9 THE COURT: All right. Ladies and gentlemen, we
10 could not fairly and impartially administer justice in our
11 community without good citizens like you. Thank you very much
12 on behalf of the Court and the community for your service. If
13 you'll wait in the jury room just a few moments, I'd like to
14 come in and shake each of your hands before you leave. Thank
15 you for your service in this case.

16 (The jury exited the courtroom at 9:35 a.m.)

17 THE COURT: The Court will be in recess.

18 I'll step back in and speak to y'all off the record,
19 if any juror volunteers anything to me.

20 MR. LOW: Thank you, your Honor.

21 MR. PRICHARD: Thank you, your Honor.

22 (Recess.)

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1 I certify that the foregoing is a correct transcript from
2 the record of proceedings in the above-entitled matter. I
3 further certify that the transcript fees and format comply
4 with those prescribed by the Court and the Judicial Conference
5 of the United States.

6
7 Date: 04/09/18

/s/ *Gigi Simcox*
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